

IN RE: PETITION FOR SPECIAL HEARING
NE/S Elmdridge Avenue, 50' E
of Old Maiden Choice Lane
(905 Elmdridge Avenue)
13th Election District
1st Councilmanic District
Robert R. Slavikas, et ux
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-438-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Robert R. and Joana D. Slavikas. The Petitioners request approval to use the subject property as a two-apartment dwelling, in accordance with Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robert R. Slavikas, property owner. Mr. Slavikas was represented by Richard C. B. Woods, Esquire. Appearing as a Protestant in the matter was Eleanor VanDevender on behalf of the Maiden Choice Community Association, Inc.

Testimony indicated that the subject property, known as 905 Elmdridge Avenue, consists of 0.057 acres, more or less, and is improved with an attached townhouse dwelling unit. The instant Petition was filed as a result of a complaint registered with the Zoning Administration office as to the use of the property as two apartments. It should be noted that although not requested within the Petition filed, the Petitioner seeks a determination that the property enjoys a nonconforming use as two apartments.

Mr. Slavikas testified that he purchased the subject property in 1987 at which time it contained two apartments, with a common hallway on the first floor and a separate entrance to the second floor apartment. He

testified that he resided in the property until 1990 at which time he moved down the street. Mr. Slavikas, who is originally from eastern Europe, testified that until he moved from the property, he used the second floor apartment for visiting relatives from Europe. Further testimony indicated that Mr. Slavikas continued to rent the property as two separate apartments after he moved.

Further testimony indicated that the homes along this stretch of Elmdridge Avenue were built in the 1940s, prior to the commencement of World War II, and that many of the houses were built as two apartment dwellings. Affidavits submitted by Mr. Slavikas verify that the subject property was, in fact, constructed as two-apartments. Mr. Slavikas testified as to the layout of the property and introduced a floor plan of the two apartments, marked as Petitioner's Exhibit 2. The Petitioner also submitted as Petitioner's Exhibit 4 a list of other dwellings along Elmdridge Avenue which contain two apartments.

On behalf of the Maiden Choice Community Association, Ms. Eleanor VanDevender testified that a problem occurred with a particular family who rented one of the apartments in the subject dwelling. Ms. VanDevender testified, and the Petitioner confirmed, that the family in question consisted of 8 to 10 members who resided in the same apartment and that parking problems resulted from the number of cars associated with that family. Further testimony indicated that this family was responsible for creating other problems in the neighborhood. However, once this problem was brought to the attention of Mr. Slavikas, eviction proceedings followed and the family was eventually removed from the premises. Mr. Slavikas stated that he has not leased the two apartments pending the outcome of this hearing.

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It was clear from the uncontradicted testimony that the subject property was built as a two-apartment dwelling prior to the establishment of the zoning regulations governing such use and that there has been no intent to abandon its use as two apartments. It was also clear that the Petitioner has and will continue to be cooperative with the community and that he wishes to resolve this matter to their satisfaction.

Mr. Slavikas has demonstrated genuine concern and a willingness to work with the community concerning this matter. He testified that he continues to reside in the community and wishes to be a good neighbor and a good landlord. To that end, Mr. Slavikas and his attorney have agreed that prior to placing any future tenants in the property, Mr. Slavikas will present the names of any prospective tenant and their lease agreement to the Community Association for their review and approval prior to permitting any such tenant to take up residence. Mr. Slavikas further agreed to limit the number of people who will reside in each apartment to an amount agreeable to the Association, and to limit the number of cars associated with each apartment to two. Furthermore, Mr. Slavikas has agreed to place a parking pad in the rear yard of the subject property in the location of an existing metal shed. The parking pad will be of sufficient size to accommodate two automobiles to remedy any parking problems on Elmdridge Avenue, in that two of the possible four vehicles associated with this property will be able to park in the rear yard.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

- 3 -

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two apartment dwelling since prior to 1945 and that there has been no intent to abandon its use as such.

- 4 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of August, 1993 that the Petition for Special Hearing to approve the use of the subject property as a two-apartment dwelling unit, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within ninety (90) days of the date of this Order, the Petitioners shall have a concrete parking pad installed in the rear yard of the subject property adjacent to the alley. Said parking pad shall be of sufficient size to accommodate two vehicles.

3) Prior to renting either apartment within the subject dwelling, the Petitioners shall submit the names of any prospective tenant and their lease to the Maiden Choice Community Association for their review and approval. As was agreed to between the Petitioner and the Association, the Association shall have the right to reasonably withhold approval of any tenant that may occupy the premises.

4) Any tenant of either apartment within the subject dwelling shall be restricted to having two automobiles parked at the site at any one time.

5) The conditions and restrictions imposed herein were by agreement of the Petitioner himself. The Petitioner agrees to be bound by these terms and conditions and shall not be permitted to dispute or contest them at a later date. In the event the Petitioner is not satisfied with these conditions and restrictions, an appeal must be filed within thirty (30) days of the date of this Order. Failure to file a timely appeal in this matter is evidence that the Petitioner has agreed and consents to be bound by these terms and conditions.

- 5 -

6) These terms and conditions shall bind any future purchaser or transferee of the subject property. Accordingly, within sixty (60) days of the date of this Order, the Petitioner shall cause a copy of this Order to be recorded in the Land Records of Baltimore County which shall forever notify any potential purchaser or successor in interest of the subject property of the conditions and restrictions that apply thereto. In the event this property is ever sold or transferred to another party, that party will be bound by these terms and conditions. Written documentation certifying that a copy of this Order has been recorded within the Land Records of Baltimore County shall be submitted to the Zoning Administration and Development Management office (ZADM) for inclusion in the case file. If a future purchaser or transferee of this property does not wish to be bound by these terms, then the property shall be converted for use as a single family dwelling only.

7) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/27/93
By [Signature]

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 27, 1993

(410) 887-4386

Richard C. B. Woods, Esquire
608 Winans Way
Baltimore, Maryland 21229

RE: PETITION FOR SPECIAL HEARING
NE/S Elmdridge Avenue, 50' E of Old Maiden Choice Lane
(905 Elmdridge Avenue)
13th Election District - 1st Councilmanic District
Robert R. Slavikas, et ux - Petitioners
Case No. 93-438-SPH

Dear Mr. Woods:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Robert Slavikas
804 Warwick Road, Baltimore, Md. 21229

Ms. Eleanor VanDevender
Maiden Choice Community Assoc., Inc.
P.O. Box 18262, Baltimore, Md. 21229

People's Counsel

file

Printed on Recycled Paper



Petition for Special Hearing
93-438-SPH
to the Zoning Commissioner of Baltimore County

for the property located at 905 Elmdridge Avenue

which is presently zoned DR 105

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of the above-listed property as a two apartment building

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zip

Who do I submit this and other, under the purview of section 1, and this are the legal owners of the property which is the subject of this Petition.

Legal Owner(s)
Robert R. Slavikas
Richard C. B. Woods
Joana D. Slavikas
(Type or Print Name)
Signature

804 Warwick Rd (410) 247-9573

Baltimore County MD 21229

City Address and phone number of owner(s) are required

Richard C.B. Woods, Esquire

Suite 900 301 N. Charles St

Baltimore, MD 21201 (410) 539-4281

ESTIMATED LENGTH OF HEARING

On following date

RECEIVED BY DATE 8/27/93

ORDER RECEIVED FOR FILING
Date 8/27/93
By [Signature]

ZONING DESCRIPTION FOR
905 ELM RIDGE AVENUE

13th Election District Councilmanic District C-1

Beginning at a point on the northeast side of Elm Ridge Avenue which is 30 feet wide at a distance of 65 feet southeast of the centerline of the nearest improved intersection street, Old Maiden Choice Lane, which is 30 feet wide. Being Lot #449, Plat 5 in the subdivision of Elm Ridge is recorded in Baltimore County Plat Book #12, Folio #65, containing 2,495 square feet of 0.057 acres.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 13th Date of Posting: 6/10/93
Posted for: Special Hearing
Petitioner: Robert R. Slavikas
Location of property: 905 (NHS) Elm Ridge Ave., Old Maiden Choice Lane
Location of sign: Facing roadway on property to be zoned
Remarks: None
Posted by: [Signature] Date of return: 6/24/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 6/10/93

93-438-SPH

Number 445

RES. SPECIAL HEARING FILING FEE CODE: 030 \$50.00
(1) SIGN POSTING CODE: 080 \$35.00
TOTAL \$85.00

OWNER: SLAVIKAS
LOCATION: 905 ELM RIDGE AVE.

03403N0178M1CHRC
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

JUN 18 1993

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-438-SPH (Item 445)
905 Elmridge Avenue
NE/S Elmridge Avenue, 50' E of Old Maiden Choice Lane
13th Election District - 1st Councilmanic
Petitioner(s): Robert R. Slavikas and Joana D. Slavikas
HEARING: MONDAY, JULY 12, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the use as a two apartment building.

[Signature]

Arnold Jablon
Director

cc: Robert and Joana Slavikas
Richard C.B. Woods, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 105, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/24 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/24 1993

THE JEFFERSONIAN,

S. Zeb
Publisher

THE JEFFERSONIAN
A WEEKLY NEWSPAPER PUBLISHED
IN TOWSON, BALTIMORE COUNTY, MARYLAND
ONCE IN EACH OF ONE (1) SUCCESSIVE
WEEKS, THE FIRST PUBLICATION APPEARING
ON 6/24/93.

CASE NUMBER: 93-438-SPH
(Item 445)
905 Elmridge Avenue
NE/S Elmridge Avenue, 50' E of Old Maiden Choice Lane
13th Election District - 1st Councilmanic
Petitioner(s): Robert R. Slavikas and Joana D. Slavikas
Special Hearing to approve the use as a two apartment building.

HEARING: MONDAY, JULY 12, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.
Special Hearing to approve the use as a two apartment building.
LAWRENCE E. SCHWETZ
Zoning Commissioner
NOTES: (1) Hearings are held in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204. (2) For information concerning the file and/or hearing, contact this office at 887-3351.
6/29/93 June 24.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 21, 1993

NOTICE OF POSTPONEMENT

CASE NUMBER: 93-438-SPH
PETITIONER(S): Robert and Joana Slavikas
LOCATION: 905 Elmridge Avenue

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JULY 12, 1993, HAS BEEN POSTPONED AT THE REQUEST OF RICHARD C. B. WOODS ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

[Signature]
Arnold Jablon
Director

cc: Robert and Joana Slavikas
Richard C. B. Woods, Esq.

*WE ASK THAT YOU PLEASE PLACE THE ENCLOSED POSTPONEMENT STICKER ON THE NOTICE OF ZONING HEARING SIGN POSTED ON YOUR PROPERTY.

AJ:ggg

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 29, 1993

NOTICE OF REASSIGNMENT

Rescheduled from 7/12/93
CASE NUMBER: 93-438-SPH (Item 445)
905 Elmridge Avenue
NE/S Elmridge Avenue, 50' E of Old Maiden Choice Lane
13th Election District - 1st Councilmanic
Petitioner(s): Robert R. Slavikas and Joana D. Slavikas

Special Hearing to approve the use as a two apartment building.

HEARING: WEDNESDAY, AUGUST 25, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

[Signature]
ARNOLD JABLON
DIRECTOR

cc: Robert and Joana Slavikas
Richard C. B. Woods, Esq.
Maiden Choice Community Association

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

July 2, 1993

(410) 887-3353

Richard C. B. Woods, Esquire
Suite 900 301 N Charles Street
Baltimore, MD 21201

RE: Item No. 445, Case No. 93-438-SPH
Petitioner: Robert R. Slavikas, et ux
Petition for Special Hearing

Dear Mr. Woods:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 10, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: June 28, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, Senior Engineer
Development Plan Review
RE: Zoning Advisory Committee Meeting
for June 28, 1993
Item No. 445

The Development Plan Review Section has reviewed the subject zoning item. The issue of off-street parking should be clearly addressed.

RWB:DAK:s



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 445 (JLL)

6-17-93

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-3350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 28, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 420, 435, 441, 443, 444, 445, 446, 447, 448, 457, 458, 459 and 461.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kern*

PK/JL:lw

435.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: June 28, 1993

FROM: Captain Jerry Pfeifer, Fire Dept.

SUBJECT: June 28, 1993 Meeting

- Revised #138- Building shall be in compliance with the 1991 Life Safety Code.
- #441 - No comments
- #442 - Standpipes in accordance with NFPA 303 are required where a hose lay from fire apparatus to the end of a pier exceeds 150'.
- #443 - No comments
- #444 - No comments
- #445 - Building shall comply with the 1991 Life Safety Code and shall be equipped with smoke detectors in accordance with State Law.
- #446 - No comments
- #447 - No comments
- #448 - No comments
- #449 - No comments

CPS-008



Zoning Enforcement
Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3357

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

93-438-SPH

TO: Larry E. Schmidt
Zoning Commissioner

DATE: June 24, 1993

FROM: James H. Thompson - KRC
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 445
PETITIONER: Robert and Joana Slavikas

VIOLATION CASE NO.: C-93-2083

LOCATION OF VIOLATION: 905 Elm Ridge Avenue
Baltimore, MD 21229
13th Election District

DEFENDANT: Robert and Joana Slavikas
804 Warwick Road
Baltimore, MD 21229

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/DT/cmm

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE/S Elmdridge Ave., 50' E of Old : OF BALTIMORE COUNTY
Marden Choice Lane (905 Elmdridge :
Ave.), 13th Election District, : Case No. 93-438-SPH
1st Councilmanic District :
ROBERT R. SLAVIKAS & JOANA D. :
SLAVIKAS, Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 23rd day of June, 1993, a copy of the foregoing Entry of Appearance was mailed to Richard C. B. Woods, Esquire, Suite 900, 301 N. Charles St., Baltimore, MD 21201, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

FOR TWO APARTMENTS OR MORE

AFFIDAVIT 93-438-SPH

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Richard C. Woods
AFFIANT (Handwritten signature)

Richard C. Woods
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 905 Elmdridge Avenue, Baltimore County has been occupied as a two apartment dwelling since November, 1941? Yes.
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since - basically I cannot but it is a two family home and most of the time was used as such. *Cannot verify every year but it was occupied as a two family home with 2 children*
3. Will you realize any gain from the sale of this property? No.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared RICHARD C. WOODS, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, an made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of her knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Anna M. Shultz
Notary Public

My Commission expires: 5-1-94

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Elmdridge Ave., 50' E of Old * ZONING COMMISSIONER
Marden Choice Lane (905 Elmdridge *
Ave.), 13th Election District, * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 93-438-SPH
ROBERT R. SLAVIKAS & JOANA D. *
SLAVIKAS, Petitioners *

NOTICE OF CHANGE OF ADDRESS OF COUNSEL

Dear Clerk:

Please take notice that attorney Richard C.B. Woods and the offices of RICHARD C.B. WOODS, P.C. have moved to 608 WINANS WAY, BALTIMORE, MARYLAND 21229. Please have all further communications regarding the above-captioned matter sent to this new address effective immediately.

Richard C. Woods
Richard C.B. Woods
RICHARD C.B. WOODS, P.C.
608 Winans Way
Baltimore, Maryland 21229
(410) 362-0060

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 15th day of July, 1993, a copy of the foregoing Notice of Change of Address of Counsel was mailed, by first class mail, postage prepaid to Peter Max Zimmerman, Esquire and Carole S. Demillo, Esquire, People's Counsel for Baltimore County, Room 47, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Richard C. Woods
Richard C.B. Woods

slavchad

RECEIVED
JUL 19 1993

ZADM

MAIDEN CHOICE COMMUNITY ASSOCIATION, INC.

RESOLVED: That at the general membership meeting of the Maiden Choice Community Association, Inc. held on June 23, 1993, regarding Case Number 93-438-SPH, 905 Elm Ridge Avenue, the membership voted to oppose the use as a two apartment building.

AS WITNESS OUR HANDS AND SEAL this 11th day of July, 1993.

ATTEST:

MAIDEN CHOICE COMMUNITY ASSOCIATION, INC.

Donna A. Cameron
Donna A. Cameron, Secretary

Michael J. Kilduff
Michael J. Kilduff, President

6/23/93
CY
to 63
OK

RICHARD C. B. WOODS, P.C.
ATTORNEY AT LAW
SUITE 900
901 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21201
TELEPHONE (410) 539-4881
FACSIMILE (410) 539-8014

June 22, 1993

Arnold Jablon, Director
Baltimore County Government
Office of Zoning Administration and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 93-438-SPH (Item 445)
905 Elmridge Avenue
Petitioners: Robert R. Slavikas and
Joana D. Slavikas

Dear Mr. Jablon:

On June 18, 1993 your office was kind enough to send me notice of a hearing in the above-referenced case scheduled for July 12, 1993. My clients, Mr. and Mrs. Slavikas, received a similar notice via mail this morning. Unfortunately Mr. and Mrs. Slavikas planned several months ago to drive their young daughters to summer camp in Maine on July 11, 1993 and thereafter take a one week vacation.

I have spoken with Ms. Gwenn Stevens of your office about rescheduling the hearing and have cleared alternative dates in August. I would be most grateful if you would approve a continuance of the July 12, 1993 hearing until sometime in August other than the week of August 9th to August 13th.

Thank you for your attention to this request.

Very truly yours,

Richard C.B. Woods
Richard C.B. Woods

RCBW/lmg/17C.43
cc: Mr. and Mrs. Robert Slavikas

JUN 23 1993
ZADM

PLEASE PRINT CLEARLY

NAME: Elleanor VanDender, Zoning Chairperson
Maiden Choice Community Assoc., Inc.
ADDRESS: P.O. Box 15262
Baltimore, MD 21229

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

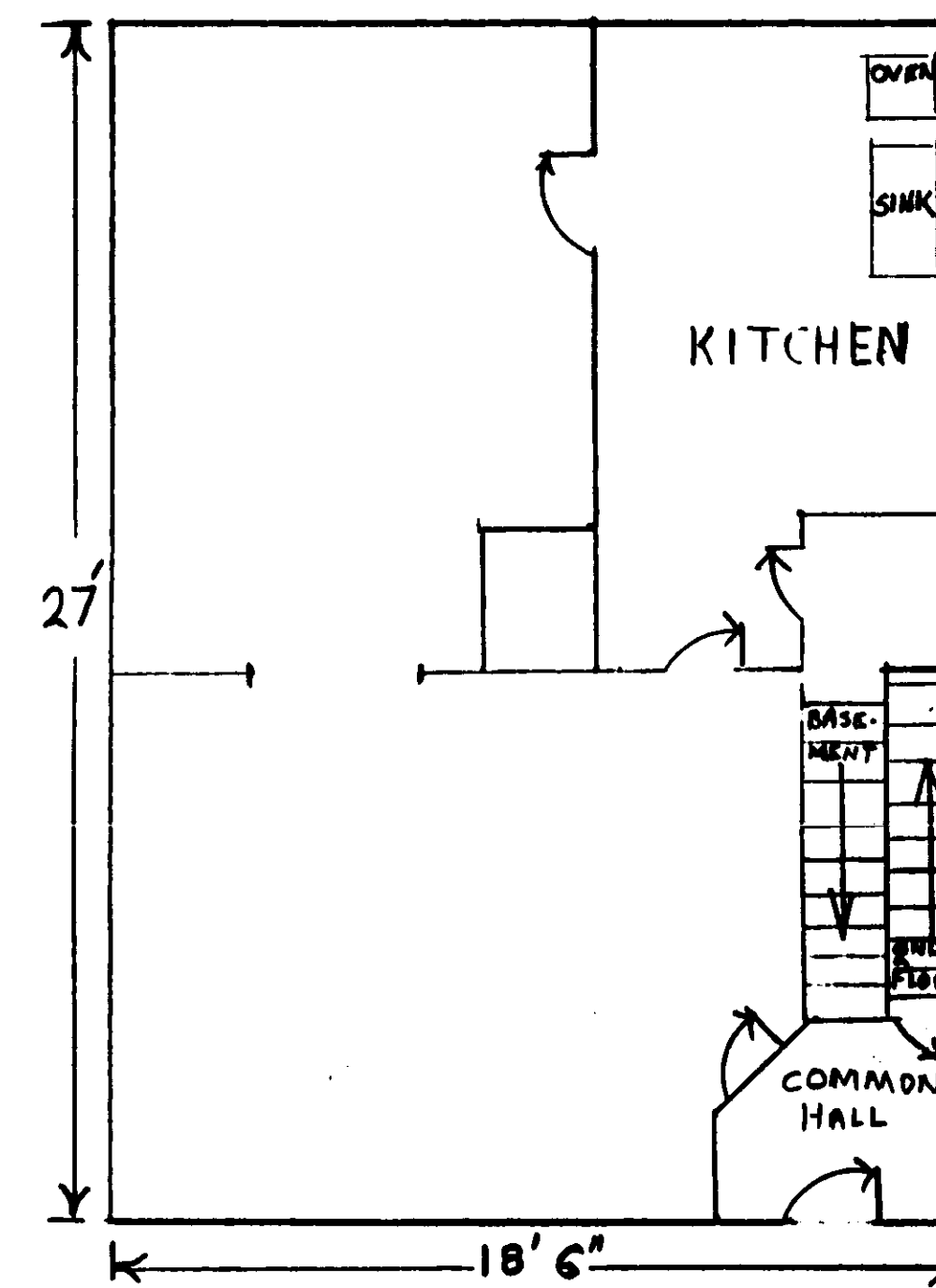
NAME: Richard C.B. Woods
Robert Slavikas
ADDRESS: 608 Winans Way Balto MD 21229
804 Warwick Rd. MD 21229

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on Recycled Paper

FLOOR PLAN 905 ELMRIDGE AVE.

FLOOR: FIRST

PETITIONER'S
EXHIBIT 8

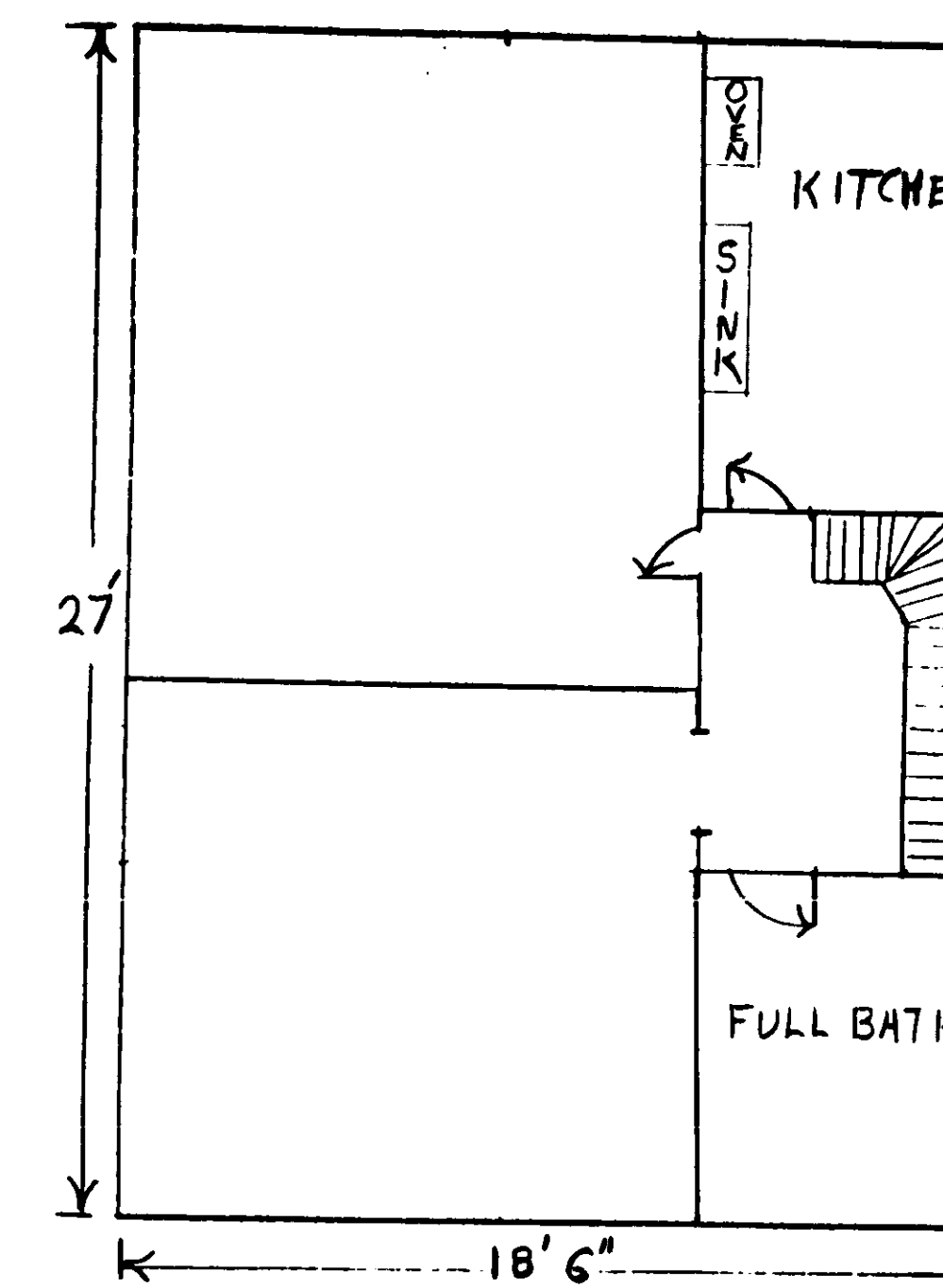


Scale: 1/4" = 1'

August 24, 1993

FLOOR PLAN 905 ELMRIDGE AVE.

FLOOR: SECOND

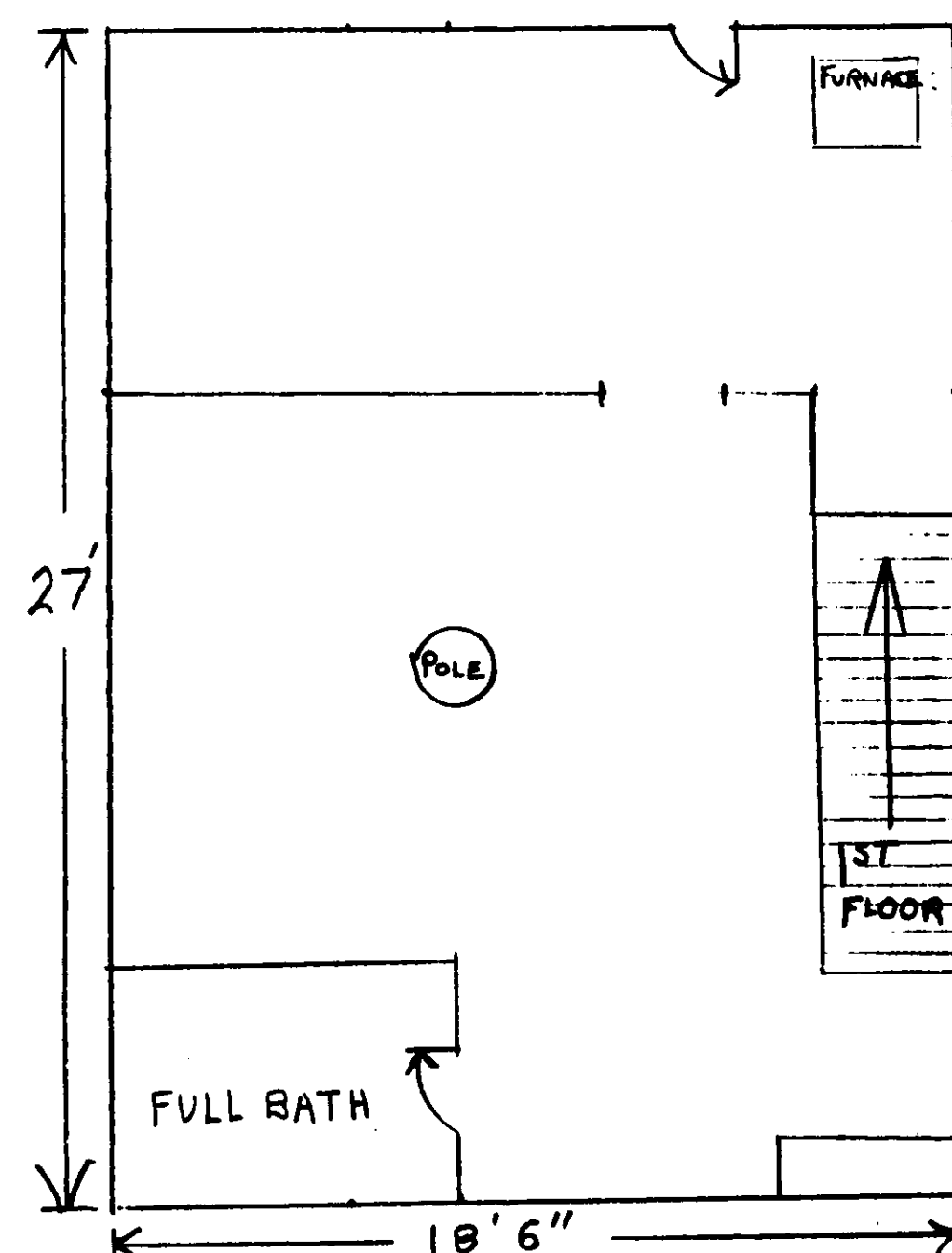


Scale: 1/4" = 1'

August 24, 1993

FLOOR PLAN 905 ELMRIDGE AVE.

FLOOR: BASEMENT



Scale: 1/4" = 1'

August 24, 1993

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Elmridge Ave., 50' E of Old * ZONING COMMISSIONER
Marden Choice Lane (905 Elmridge *
Ave.), 13th Election District, * OF BALTIMORE COUNTY
1st Councilmanic District *
ROBERT R. SLAVIKAS & JOANA D. * Case No. 93-438-SPH
SLAVIKAS, Petitioners *

AFFIDAVIT

The undersigned hereby affirms, under the penalties of perjury and upon personal knowledge, to the Zoning Commissioner of Baltimore County, as follows:

1. That battery operated smoke detectors are installed on each of the three (3) floors of the dwelling located at 905 Elmridge Avenue in Baltimore County.
2. That I checked the three smoke detectors installed at 905 Elmridge Avenue in Baltimore County on August 24, 1993 and all three detectors are working.

Robert R. Slavikas
Robert R. Slavikas

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of August, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Robert R. Slavikas, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and he made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Lauren Longley
Notary Public

My Commission expires: 5-1-94

slavikf93

PETITIONER'S
EXHIBIT 3A

FOR TWO APARTMENTS

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

P.H. Jack Sutherland
P.H. Jack Sutherland
1204 Elmridge Avenue
Baltimore County, MD

1. In 1948 I rented the house located at 936 Elmridge Avenue. It was set up for two apartments with separate interior entrances and two separate kitchens. All my neighbors in the 900 block of Elmridge Avenue and the following block also had two apartments in each house.
2. In 1951 I moved to 1209 Elmridge Avenue which was also a two apartment dwelling.
3. I will not realize any gain from the sale of this property.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of August, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared P.H. Jack Sutherland, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and he made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Lauren Longley
Notary Public

My Commission expires: 5-1-94

3B

FOR TWO APARTMENTS OR MORE

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Hilda A. Erdman
AFFIANT (Handwritten signature)
919 Elmridge Ave. Baltimore County, MD
Hilda A. Erdman
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 905 Elmridge Avenue, Baltimore County has been occupied as a two apartment dwelling since November, 1941? Yes.
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since - basically I cannot but it is a two family home and most of the time was used as such. I cannot verify every year but it was occupied as a two family home and most of the time was used as such.
3. Will you realize any gain from the sale of this property? No.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared HILDA A. ERDMAN, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and he made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of her knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Lauren Longley
Notary Public

My Commission expires: 5-1-94

3C

Dwellings in 900 Block of
Elmridge Avenue with Two
Apartments

901
902
903
904
905
906
907
908
909
910
911
912
913
914
915

PETITIONER'S
EXHIBIT 4

MAIDEN CHOICE COMMUNITY ASSOCIATION
P.O. Box 18262, Halthorpe, Maryland 21227

PRESIDENT: Mike Kilduff 242-5876 VICE PRESIDENT: Peggy Rickle 247-4344 TREASURER: Eleanor VanDevender 347-4137 SECRETARY: Donna Cameron 923-3399

RESOLVED: That at the general membership meeting of the Maiden Choice Community Association, Inc. held on January 19, 1993, the membership voted that responsibility for review and action on all zoning matters for the period January, 1993 through January, 1994, be placed in the Board of Directors. The Board consists of the following members:

Michael J. Kilduff	President
Margaret Rickle	Vice President
Eleanor R. VanDevender	Treasurer/Zoning Chairperson
Donna A. Cameron	Secretary
Pat Manoto	Membership Chairperson

AS WITNESS OUR HANDS AND SEAL this 26th day of January, 1993.

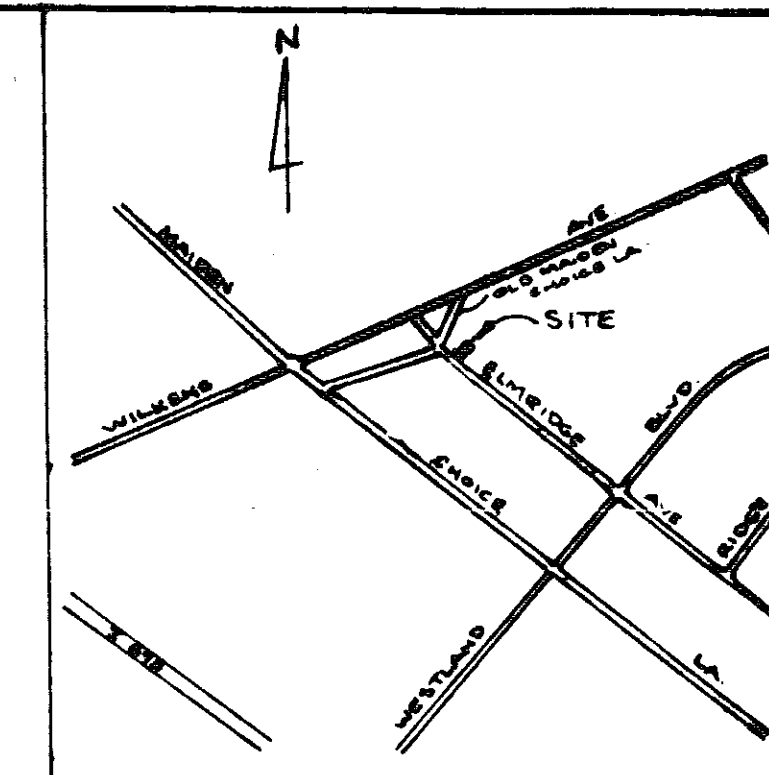
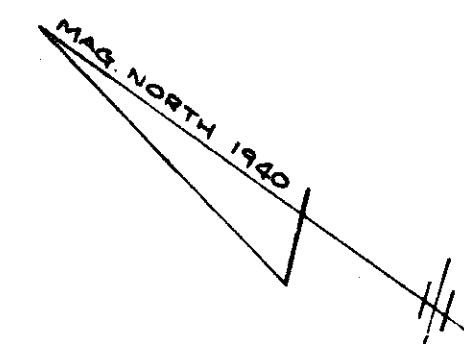
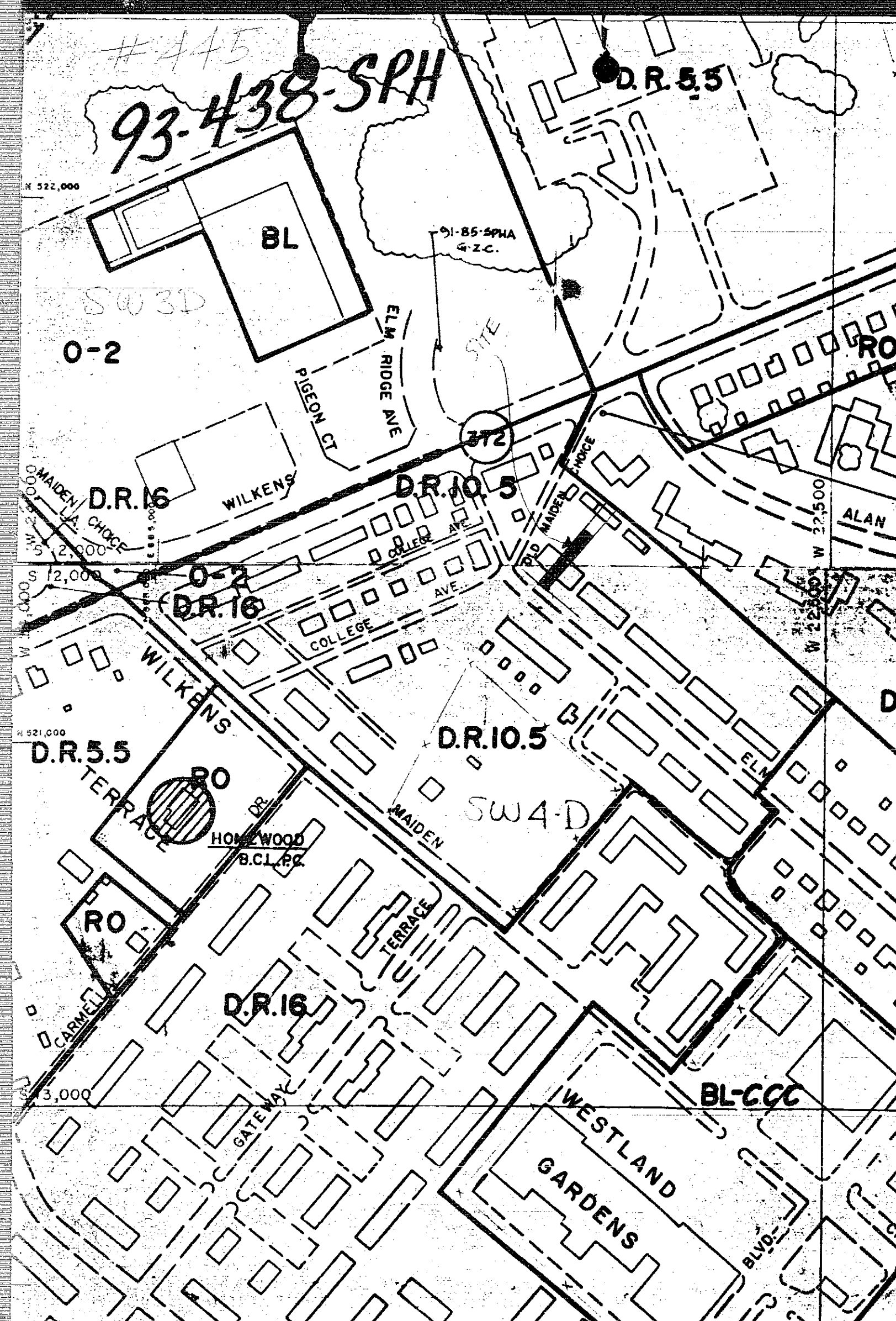
ATTEST:

MAIDEN CHOICE COMMUNITY
ASSOCIATION, INC.

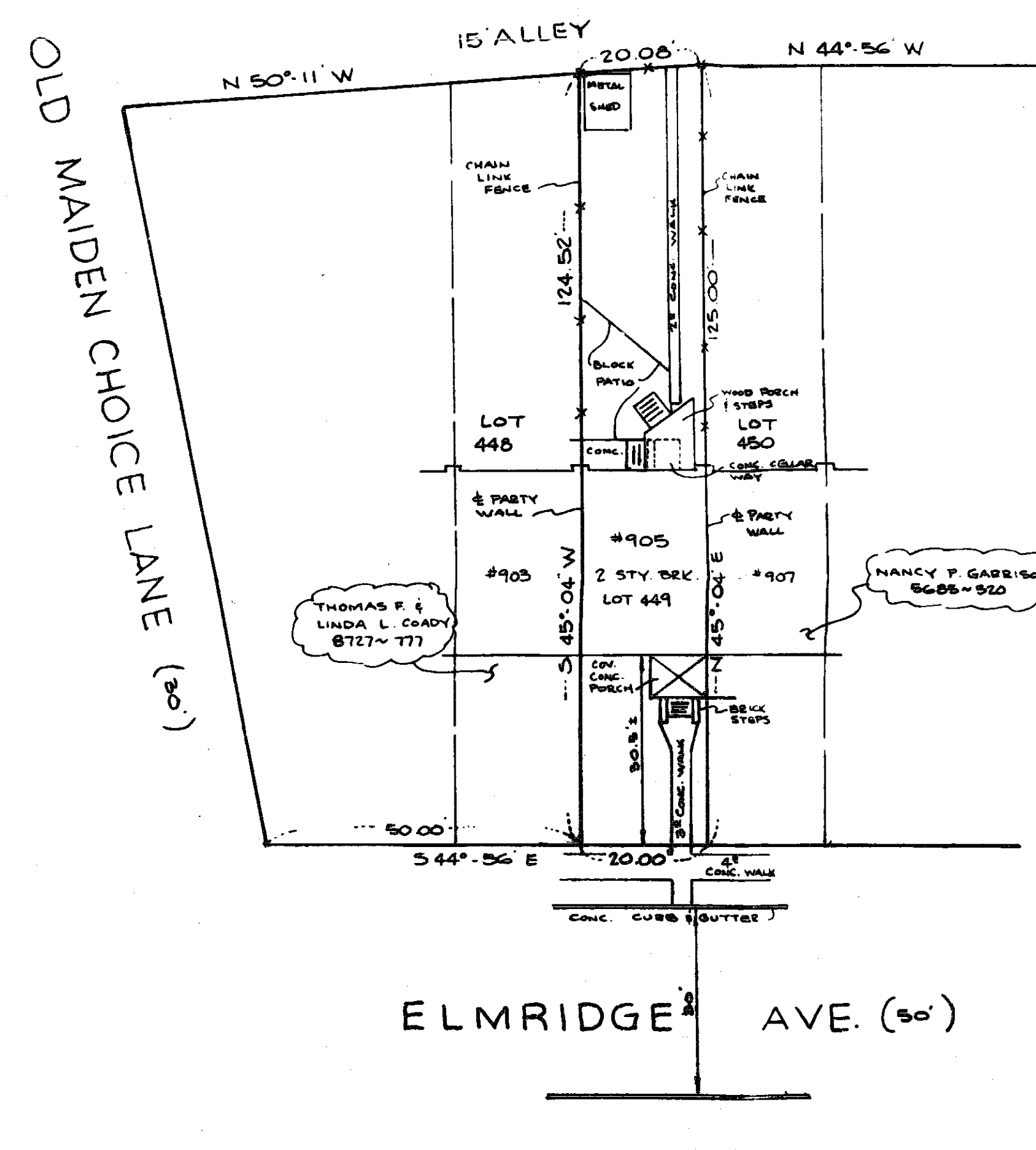
By: Donna A. Cameron
Donna A. Cameron, Secretary

By: Michael J. Kilduff
Michael J. Kilduff, President

PROTESTANT
EXHIBIT NO. 1



VICINITY MAP SCALE: 1"=1000'



93-438-SPH

PETITIONER'S
EXHIBIT 1

PLAT TO ACCOMPANY PETITION FOR ZONING

☒ SPECIAL HEARING
☐ VARIANCE

PROPERTY ADDRESS 905 Elm Ridge Ave. SUBDIVISION Elm Ridge Plats
PLAT BOOK 12, FOLIO 65, LOT 449, SECTION
OWNER: ROBERT R. & JOANNA D. SLAVIKAS PREPARED BY: L.G.D. DATE: 5-24-93
SCALE: 1" = 20'

DEED REF. 7457-24	
LOCATION INFORMATION	
ELECT. DIST.: 13 TH	
COUNCIL DIST.: C-1	
1" = 200' SCALE MAP: S.W. G-1	
ZONING <u>DR 10.5</u>	
LOT SIZE: <u>0.057</u> AC. <u>2475</u> SQ. FT.	
SEWER: <u>Public</u>	
WATER: <u>Public</u>	
NOT IN CRITICAL AREA	
NO PRIOR HEARINGS	
Zoning Office USE ONLY!	
REVIEWED BY	ITEM #
<u>JS</u>	<u>AA5</u>
CASE #	